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Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *30 August 2004*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,3-6,8-15,18-28,30,32,33,36,37,39,40,43-46 and 48-52* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *30,32 and 33* is/are allowed.

6) ☒ Claim(s) *1,3,5,6,8,10-15,17-28,36,37,39,40,43-46 and 48-52* is/are rejected.

7) ☒ Claim(s) *4,9 and 18* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since

this application is eligible for continued examination under 37 CFR 1.114, and the fee

set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office

action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

08/30/2004 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to the rejection of claims 30 and 36

under 35 U.S.C § 12, first paragraph, filed on 07/09/2004 have been fully considered

and are persuasive. The rejection of claims 30 and 36 has been withdrawn.

3.   Applicant's arguments with respect to claims 1, 3-6, 8-15, 18-28, 30, 32-

33, 43-46 and 48-52 have been considered but are moot in view of the new ground(s) of

rejection.

4.   Applicant's arguments with respect to claims 36 have been fully

considered but they are not persuasive.

As argued by applicant:

> *It is respectfully submitted, however, that Wiser et al. does not disclose storage control means*
> *for placing a content ID stored in the second storage means into purchase information*

managed for each terminal apparatus and stored in second storage means after content

information associated with the content ID is purchased in response to a request from said

terminal apparatus as recited in amended independent claim 36.

Examiner respectfully traverses because of the following reasons:

As shown in FIG. 1B, the music distribution center as *a distribution apparatus*

including second storage means, which is transaction database 130, media info. database

and master media files *for storing plurality of pieces of content information*. As shown in

FIG. 9a-b of Wiser is the process of purchasing a media data file. By clicking the buy it

button, the button generates a URL including the media ID of the song to be purchased.

The HTTP server forwards the purchase request to merchant server. Payment

information is collected by the merchant server and the media ID is sent to the content

manager 112 for verifying the availability status of the request media file (Col. 16, line

26-Col. 17, line 5). The content manager generates a media voucher that includes the

media ID (Col. 15, lines 19-23). The content manager updates the transaction database

to include a new entry with the data from the voucher (Col. 17, lines 35-37). As in FIG. 3

of Wiser is a media voucher with a unique voucher ID 302, and a media ID 304 that

uniquely identifies the media data file 200. The voucher ID 302 limits the use of the

media voucher 300 to a single purchase or preview transaction. The voucher further

includes a receipt 306 and delivery server address 308 (Wiser, Col. 8, Lines 27-41). The

media data file 200 is stored in the master media file system 120 (Col. 6, Lines 48-52).

As seen, media file is represented by a media ID as *a content ID* and stored in master

media file system 120 as *the second storage means* and placed into media voucher as

purchase information managed for each terminal apparatus and *stored in* the transaction

database as *second storage means after content information associated with the content ID is*

purchased in response to clicking the buy it button as *a request from said terminal apparatus.*

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

**6.   Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being
indefinite for failing to particularly point out and distinctly claim the subject
matter which applicant regards as the invention.**

Claim 1 recites the limitation *said user* in the technique of setting an amount of a

fee by accounting setting means. There is insufficient antecedent basis for this

limitation in the claim.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

8.   **Claims 1, 3, 8-10, 12, 14-15, 18, 22-25, 27, 43-46 and 49 are rejected
under 35 U.S.C. 103(a) as being unpatentable over Crawford [USP 5,771,354] in
view of Schneider [USP 6,594,675].**

Regarding to claims 1 and 14, Crawford teaches an online service system. As

shown in FIG. 5, the local disk drive of customer computer 50b is the *first storage means

for storing a plurality of pieces of content information*, and the local disk drive of replica

server computer 160 is the *second storage means for storing a plurality of pieces of content

information*. The replica computer 160 may provide one or more "virtual" disk drives to

customer computer 50, and the customer computer may provide one or more "virtual"

disk drives to the replica computer. A virtual device is an arrangement that simulates or

emulates a locally attached physical device. For example, a virtual disk drive can be an

arrangement that "looks like" a physical disk drive. The virtual disk drives allow the

customer computer 50 to access resources as if those resources were actually a

physical disk device locally attached to the customer computer (Crawford, Col. 18, Lines

1-34). By using DOS command, processor flag, drive translation tables as *control means*,

a user can *access content information stored in* customer computer as *first storage means* and replica server computer as *second storage means*, such as file copy, or file transfer (Crawford, Col. 20, Line 66-Col. 23, Line 67 and Col. 29, Lines 10-13) based on the file name as *a single set of management information for managing said content information stored in first storage means and second storage means*. Crawford system further comprises *a communication means for interconnecting said first storage means, said second storage means, and said control means for communication* (Crawford, Col. 17, Lines 29-46), and *accounting setting means for setting an amount of a fee to be imposed on a predetermined user in accordance with a capacity of use of said second storage means by said user* (Crawford, Col. 57, Line 59-Col. 58, Line 23). Crawford does not explicitly teach the claimed *single set of management information described with a logical address corresponding to said physical address*. Schneider teaches a file system, and further discloses that a hierarchical arrangement of directories with respect to a root directory, which is the root node of the hierarchical file structure, defines the logical address of files in the system (Schneider, Col. 3, Lines 32-43). A physical file system typically manages permanent storage of data on a storage device. A file request would first be handled by the logical file system, which would then build a request to access the data to pass to the physical file system. The physical file system then proceeds to access the requested data directly from the storage device using the address information of physical data on the storage device to directly address the data on the storage device (Schneider, Col. 3, Line 64-Col. 4, Line 6). As seen, in response to a file request, the requested pathname and file name will define the *logical address*, the requested data stored in the storage

device is accessed by using the *corresponding* address information of physical data or

physical address, and in light of Schneider technique, the pathname and file name that

specifies a file in the COPY command will define the logical address, and obviously, *the*

content information stored at a predetermined physical address of (A), (B), and (C) drives of

customer computer or replica server computer as *each of said first storage means and said*

second storage means is *accessed based on* the requested pathname and file name as *a*

single set of management information described with logical address corresponding to said

physical address. Therefore, it would have been obvious for one of ordinary skill in the art

at the time the invention was made to use the logical address for accessing a file in a

file system.

Regarding to claim 15, Crawford teaches an online service system. As shown in

FIG. 5 is a customer computer 50 as *an external apparatus*, the host computer 104 as *a*

distribution apparatus. Host computer 104 may provide one or more virtual disk drives to

customer computer 50 (Crawford, Col. 18, Lines 1-3). Host computer 104 may have

several physical disk drives 116, and host-provided virtual disks are actually objects that

are physically stored on host disk 116. Through software executed by host computer

104 and cooperating software executing on customer computer 50, these virtual disks

can be attached to customer computer 50, and appear to those computers 50 as

additional, locally attached physical drives. In other words, the operating systems of

computers 50 can access these virtual disks in the same way they access a locally

attached physical disk drive. Thus, customer computer 50 operating system can write to

and read from a virtual disk in essentially the same manner that it can write to and read

from its own local hard disk 64 (Crawford, Col. 18, Lines 35-61). Referring to FIG. 5,

host computer physical disk drive 116a stores information associated with two different

virtual disks, I:Drive and J:Drive, and host computer physical disk drive 116b stores

information associated with a further virtual disk, K:Drive (Crawford, Col. 22, Lines 51-

61). As seen, the physical disk drive of host 104 as the *storage means for storing a*

plurality of pieces of content information. The Crawford system further comprises *a*

communication means for connecting said distribution apparatus for communication to

customer computer 50b as *an external apparatus* (Crawford, Col. 17, Lines 29-46), and

accounting setting means for setting an amount of a fee to be imposed on a user who requests

use of said storage means from said external apparatus in response to a capacity of use of said

storage means by said user (Crawford, Col. 57, Line 59-Col. 58, Line 23). The online

service system 100 can provide to customer computer 50 Anti-Viral Services by

accessing anti-viral software stored on virtual disk. Anti-viral programs can be copied or

executed directly (Crawford, Col. 14, Lines 36-44). As shown in FIG. 27 is the process

of signing up by assigning a user ID and password to the new customer, and completing

the customer control data 1002 and on-line service control data 501 as in FIG. 16A

based upon the supplied information (Crawford, Col. 57, Lines 39-45). The user ID is

used to provide access to on-line service programs stored on virtual disks (Crawford,

Col. 29, Lines 10-13). As shown in FIG. 8B, a user may request to purchase a particular

program or data. If the request is for a purchase, logging is performed with certain

information, e.g., user, begin time, etc., and then the host computer 104 allocates the

appropriate virtual disk containing the program or information to be purchased. Host

computer 104 also allocates a destination device for receiving the purchased program

or information. This destination device may be, for example, the local hard disk 64

within customer computer 50. The selected software is then copied to the destination

device in order to complete the purchase (Crawford, Col. 30, Lines 23-36). As seen, in

response to a request to purchase a particular program or data, user ID is produced,

and virtual or logical disk address, such as I:Drive, J:Drive or K:Drive is allocated,

wherein I:Drive, J:Drive or K:Drive is an address representative of a storage location of

said content information stored in physical disks 116, and obviously, each I:Drive,

J:Drive or K:Drive is corresponding to a physical address of physical disk 116. In

different words, the technique as discussed indicates the claimed *control means for*

accessing said contents information stored ins said storage means in response to a user

request by a user for said external apparatus, wherein control means produces management

information for each said user in response to access to said content information in accordance

with said user request and stores said produces management information into said storage

menas, said management information including at least an ID of said user and an address

representative of a storage location of said content information stored in said storage means .

Crawford does not explicitly teach *control means accesses said contents information stored*

at a predetermined physical address of said storage means based on said management

information described with a logical address corresponding to said physical address.

Schneider teaches a file system, and further discloses that a hierarchical arrangement

of directories with respect to a root directory, which is the root node of the hierarchical

file structure, defines the logical address of files in the system (Schneider, Col. 3, Lines

32-43). A physical file system typically manages permanent storage of data on a

storage device. A file request would first be handled by the logical file system, which

would then build a request to access the data to pass to the physical file system. The

physical file system then proceeds to access the requested data directly from the

storage device using the address information of physical data on the storage device to

directly address the data on the storage device (Schneider, Col. 3, Line 64-Col. 4, Line

6). As seen, in response to a file request, the requested pathname and file name will

define the *logical address*, or the *logical address* represents the requested pathname and

file name, and the requested data stored in the storage device is accessed by using the

corresponding address information of physical data or *physical address*. Referring back to

Crawford reference, Crawford further discloses that when a command COPY A:*.* C: is

issued by the customer computer 50 with the processor flag set to "customer computer"

and with drive translation off, the command is executed by copying from the customer's

local floppy diskette drive (A) to the customer's hard drive (C). When the same

command is issued by the customer computer 50 with drive translation on, it is

translated into COPY J:*.* L:. If this translated command is executed by the replica

computer 160, which accesses the customer's floppy diskette drive and customer's hard

drive as virtual drives J and L, it will copy from the customer's local floppy diskette drive

(A) to the customer's hard drive (C), and achieving the same result without the user of

customer computer 50 having to know or use the drive designators that the replica

computer must use in order to access the customer computer drives as virtual drives

(Crawford, Col. 22, Lines 34-50). As seen, in light of Schneider technique, the

pathname and file name that specifies a file in the COPY command will define the

logical address, and obviously, *the content information stored at a predetermined physical*

address of said storage means based on the requested pathname and file name as

management information described with logical address corresponding to said physical

address. Therefore, it would have been obvious for one of ordinary skill in the art at the

time the invention was made to use the logical address for accessing a file in a file

system.

Regarding to claims 3 and 18, Crawford and Schneider teaches all the claimed

subject matters as discussed in claims 1 and 15, Crawford further discloses *selection*

means for selecting at least one of said plurality of pieces of content information stored in said

second storage means, wherein said control means controls so that one or more of said

plurality of pieces of content information selected by said selection means may be copied or

moved from said second storage means to said first storage means through said

communication means (Crawford, Col. 22, Lines 34-50).

Regarding to claims 8, 22 and 23, Crawford and Schneider teaches all the claim

subject matters as discussed in claims 1, 15 and 22, Crawford further discloses a *setting*

means for setting said capacity of use for said second storage means, wherein said accounting

setting means sets said amount of said fee to be imposed on said user in accordance with said

capacity of use of said user set by said setting means (Crawford, Col. 57, Line 59-Col. 58,

Line 23).

Regarding to claims 9 and 24, Crawford and Schneider teaches all the claim

subject matters as discussed in claims 8 and 23, Crawford further discloses *setting*

means adaptively sets said capacity of use used by said user based on said management

information for managing said second storage means, and said accounting setting means sets

said amount of said fee to be imposed on said user in accordance with said capacity of use of

said user set by said setting means (Crawford, Col. 57, Line 59-Col. 58, Line 23).

Regarding to claims 10 and 25, Crawford and Schneider teaches all the claim

subject matters as discussed in claims 1 and 22, Crawford further discloses *accounting*

setting means stores said amount of said fee to be imposed on said user in accordance with

said capacity of use of said second storage means by said user in a database for each said user

in said second storage means (Crawford, Col. 59, Line 11-Col. 60, Line 9).

Regarding to claims 12 and 27, Crawford and Schneider teaches all the claim

subject matters as discussed in claims 1 and 15, Crawford further discloses

authentication means for verifying access to said second storage means by said control means

(Crawford, Col. 28, Lines 37-51).

Regarding to claim 43, Crawford teaches an online service system. As shown in

FIG. 5, customer computer as *a terminal apparatus*, replica server computer is *a*

distribution terminal apparatus, and host computer is *a server apparatus* comprising *a first*

storage medium provided in said server apparatus for storing a plurality of pieces of content

information, *second storage medium provided in said distribution terminal apparatus for*

storing said plurality of pieces of content information, *third storage medium provided in said*

terminal apparatus for storing a plurality of pieces of content information. By using DOS

command, processor flag, drive translation tables as *a controller for controlling access to*

any of said first, said second, and said third storage media with a drive translation table as

single table of contents (Crawford, Col. 20, Line 66-Col. 23, Line 67 and Col. 29, Lines

10-13). Crawford does not explicitly teach *management information for managing said*

content information stored in at least two of said first, said second, and said third storage

media, and *controller accesses said content information stored at a predetermined physical*

address of each of said first and said second storage media based on said management

information described with a logical address corresponding to said physical address.

Schneider teaches a file system, and further discloses that a hierarchical arrangement

of directories with respect to a root directory, which is the root node of the hierarchical

file structure, defines the logical address of files in the system (Schneider, Col. 3, Lines

32-43). A physical file system typically manages permanent storage of data on a

storage device. A file request would first be handled by the logical file system, which

would then build a request to access the data to pass to the physical file system. The

physical file system then proceeds to access the requested data directly from the

storage device using the address information of physical data on the storage device to

directly address the data on the storage device (Schneider, Col. 3, Line 64-Col. 4, Line

6). As seen, in response to a file request, the requested pathname and file name will

define the *logical address*, the requested data stored in the storage device is accessed

by using the *corresponding* address information of physical data or *physical address*, and

in light of Schneider technique, the pathname and file name that specifies a file in the

COPY command is *management information for managing said content information stored*

in at least two of said first, said second, and said third storage media, and the pathname and

file name will define the *logical address*, and obviously, *the content information stored at a*

predetermined physical address of (D), (E), and (F) drives of replica server computer and

(I), (J), and (K) drives of host computer as *each of said first and said second storage media*

is *accessed based on management information described with logical address* defined by the

pathname and file name *corresponding to said physical address*. Therefore, it would have

been obvious for one of ordinary skill in the art at the time the invention was made to

use the pathname and file name to define the logical address of a file in order to access

a file in a file system.

Regarding to claim 44, Crawford and Schneider teaches all the claimed subject

matters as discussed in claim, Crawford further discloses *management information*

includes first management information for managing said content information stored in said

first storage medium and said second storage medium with a first table of contents, and

second management information for managing said content information stored said second

storage medium and said third storage medium with a second table of contents (Crawford,

Col. 22).

Regarding to claim 45, Crawford and Schneider teaches all the claimed subject

matters as discussed in claim 43, Crawford further discloses *management information*

includes shared management information for managing said content information stored in

said first, said second, and said third storage media with said table of contents (Crawford,

FIG. 5).

Regarding to claim 46, Crawford and Schneider teaches all the claim subject

matters as discussed in claim 44, Crawford further discloses *first management*

information is stored in said storage means of at least one of said server apparatus and said

distribution terminal apparatus, and said second management information is stored in said

storage means of at least one of said distribution terminal apparatus and said terminal

apparatus (Crawford, FIG. 5).

Regarding to claim 49, Crawford and Schneider teaches all the claim subject

matters as discussed in claim 43, Crawford further discloses *first storage medium is a*

hard disk and said third storage medium is a semiconductor memory (Crawford, FIG. 5).

9.   Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Crawford [USP 5,771,354] in view of Schneider [USP 6,594,675],

Srinivasan [USP 6,460,076 B1] and Omura et al. [USP 6,430,620 B1].

Regarding to claims 5 and 20, Crawford and Schneider teaches all the claimed

subject matters as discussed in claims 3 and 18, but does not teach *an erasure means*

for erasing one or more of said plurality of pieces of content information stored in said first

storage means, wherein where a contents ID of said content information erased by said

erasure means is managed with said management information, where said information

corresponding to said contents ID is again transferred from said second storage means to first

storage means by said control means said accounting setting means does not set said amount

of said fee to be imposed on said user who has issued a request for said transfer. Srinivasan

teaches a system for downloading and recording multimedia files over a data network,

Srinivasan further discloses an *erasure means for erasing one or more of said plurality of*

pieces of content information stored in said first storage means when the file has not been

successfully transferred, and *accounting setting means does not set said amount of said fee*

to be imposed on said user who has issued a request for said transfer (Srinivasan, FIG. 3).

However, if the file has not been successfully transferred, the process will be ended

after deleting file from the memory. Omura teaches a system for locating and

retransferring lost data comprises *contents ID form second storage means to first storage*

means (Omura, FIG. 6 (c)-6(d), Col. 6 and Cols. 9-10). Therefore, it would have been

obvious for one of ordinary skill in the art at the time the invention was made to modify

the Crawford and Schneider system by including an erasure means as taught by

Srinivasan and the technique of retransferring of lost data as taught by Omura in order

to compensate for the loss in case of occurrence of any data loss.

10.   Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Crawford [USP 5,771,354] in view of Schneider [USP 6,594,675],

Srinivasan [USP 6,460,076 B1], Omura et al. [USP 6,430,620 B1] and Kenner et al.

[USP 6,154,744].

Regarding to claims 6 and 21, Crawford and Schneider teaches all the claimed

subject matters as discussed in claims 3 and 18, but fails to teach an *erasure means for*

erasing at least one of the plurality of pieces of contents information stored in said first

storage means, wherein where a contents ID of the contents information erased by said

erasure means is managed with the management information, when said contents information

corresponding to the contents ID is again transferred from said second storage means to said

first storage means again by said control means, said accounting setting means set a smaller

amount of said fee to be imposed on said user who has issued a request for said transfer than

a normal fee. Srinivasan teaches a system for downloading and recording multimedia

files over a data network, Srinivasan further discloses an *erasure means for erasing one or*

more of said plurality of pieces of content information stored in said first storage means when

the file has not been successfully transferred. However, if the file has not been

successfully transferred, the process will be ended after deleting file from the memory

(Srinivasan, FIG. 3). Omura teaches a system for locating and retransferring lost data

comprises *a contents ID of the contents information is managed with the management*

information, contents information corresponding to said contents ID is again transferred form

second storage means to first storage means (Omura, FIG. 6 (c)-6(d), Col. 6 and Cols. 9-

10). Kenner teaches a system for storing and retrieving video data at distributed sites.

Kenner further discloses the system allowing discounts or credits to be issued if

downloads are found to be difficult or slow (Kenner, Col. 16, lines 16-27). Therefore, it

would have been obvious for one of ordinary skill in the art at the time the invention was

made to modify the Crawford and Schneider system by including an erasure means as

taught by Srinivasan and the technique of retransferring contents information

corresponding to contents ID and imposing on a user a smaller amount than a normal

fee as taught by Omura and Kenner in order to compensate for the loss in case of

occurrence of any data loss.

11.   **Claims 11 and 26 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Crawford [USP 5,771,354] in view of Schneider [USP 6,594,675]

and Srinivasan [USP 6,460,076 B1].

Regarding to claims 11 and 26, Crawford and Schneider teaches all the claim

subject matters as discussed in claims 10 and 25, Crawford further discloses *control*

means controls such that said imposed amount of said fee stored for each said user in said

database (Crawford, Col. 59, Line 11-Col. 60, Line 9) but does not explicitly teach *user ID*

of said user are transmitted to an external settlement center. Srinivasan teaches a system

for downloading and recording multimedia files over a data network, Srinivasan further

discloses *user ID of said user are transmitted to an external settlement center* (FIG. 1, Credit

Authorization). Therefore, it would have been obvious for one of ordinary skill in the art

at the time the invention was made to verify a user in order to prevent credit card fraud.

12.   Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Crawford [USP 5,771,354] in view of Schneider [USP 6,594,675]

and Wiser et al. [USP 6,385,596 B1].

Regarding to claims 13 and 28, Crawford and Schneider teaches all the claimed

subject matters as discussed in claims 12 and 27, but fails to disclose *second storage*

means stores a plurality of said user IDs, and said authentication means compares said user

ID with which said second storage means is accessed and said plurality of said user IDs to

authenticate said user who has accessed said second storage means. Wiser teaches an online

music distribution system, and further discloses *second storage means stores a plurality of*

said user IDs, and said authentication means compares said user ID with which said second

storage means is accessed and said plurality of said user IDs to authenticate said user who has

accessed said second storage means (Wiser, Col. 11, lines 25-38 and Col. 14, lines 33-35).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the

invention was made to modify the Crawford and Schneider system by including the

technique of comparing user ID to authenticate a user in order to protect the

downloaded information to avoid unauthorized copying.

13.   Claims 36-37 and 39-40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wiser et al. [USP 6,385,596 B1].

Regarding to claim 36, Wiser teaches a secure online music distribution system

that provides consumers with flexibility and ease of use in the selection, previewing,

downloading, and transporting of audio and other digital media over the Internet, and

that provides for security of the media throughout the distribution system. As shown in

FIG. 1 is a system for the secure distribution of music and related media over the

Internet. The system includes a music distribution center 124 as *a distribution apparatus*,

which operates with any number of client systems 126 as *a terminal apparatus*. The

content manager 112 of the music distribution center 124 maintains a *second storage*

means includes a media information database 106, a master media file 120, and a

transaction database 130. As shown in FIG. 2, is an illustration of a media data file. The

media data files 200 as *a plurality of pieces of content information are stored in second*

storage means (Col. 5, lines 43-65). FIG. 2 is a client system has two basic components,

a media player and a web browser. The media player is the mechanism by which the

consumer digitally records purchased media data files to a further external memory,

such as a CD-Recordable, CD-RW, Mini-Disc, flash memory. The media player

provides user interface controls for viewing lists of purchased and stored media data

files as *a plurality of pieces of said content information* (Col. 10, lines 1-13). In other word,

a client system as a terminal apparatus that has media player as a *first storage means for*

storing a plurality of pieces of said content information. As disclosed by Wiser, the music

distribution system 124 communicates with the various other components such as the

client systems 126 over a public communication network, preferably the Internet, using

conventional TCP-IP communication protocols for insecure channels, and a secure

protocol over TCP, such as Netscape Communication Inc.'s Secure Sockets Layer v. 3

(SSL), and these communications indicate *communication means for interconnecting said*

terminal apparatus and said distribution apparatus (Col. 5, line 43-Col. 7, line 16). As

shown in FIG. 9a-b of Wiser is the process of purchasing a media data file. By clicking

the buy it button, the button generates a URL including the media ID of the song to be

purchased. The HTTP server forwards the purchase request to merchant server.

Payment information is collected by the merchant server and the media ID is sent to the

content manager 112 for verifying the availability status of the request media file (Col.

16, line 26-Col. 17, line 5). The content manager generates a media voucher that

includes the media ID (Col. 15, lines 19-23). The content manager updates the

transaction database to include a new entry with the data from the voucher (Col. 17,

lines 35-37). As in FIG. 3 of Wiser is a media voucher with a unique voucher ID 302,

and a media ID 304 that uniquely identifies the media data file 200. The voucher ID 302

limits the use of the media voucher 300 to a single purchase or preview transaction. The

voucher further includes a receipt 306 and delivery server address 308 (Wiser, Col. 8,

Lines 27-41). The media data file 200 is stored in the master media file system 120

(Col. 6, Lines 48-52). As seen, media file is represented by a media ID as *a content ID* and stored in master media file system 120 as *the second storage means* and placed into media voucher as *purchase information managed for each terminal apparatus* and *stored in* the transaction database as *second storage means after content information associated with the content ID is purchased in response to* clicking the buy it button as *a request from said terminal apparatus*. In short, the technique as discussed indicates *storage control means for placing a content ID stored in said second storage means into purchase information managed for each said terminal apparatus and stored in said second storage means after content information associated with said content ID is purchased in response to a request from said terminal apparatus*. The media voucher includes a receipt token, which is returned in the media voucher to the media player for initiating download of the requested media data file from a delivery server (Col. 17, lines 22-31). A receipt token is a strong random number generated by the content manager 112 which is used to create a message authentication code (MAC) of the voucher ID and consumer certificate to bind the delivery of the media data to the purchase transaction. Preferably, the MAC is a keyed message authentication code as defined in Internet RCF 2104 (Col. 8, lines 32-41). As seen, the media voucher with a receipt token is access control means for controlling access to the media data file corresponding to media ID stored in storage means in response to a purchasing. In other words, the technique as discussed indicates *access control means for controlling access to said contents information corresponding to said content ID stored in said second storage means in response to said purchase information*. When a voucher packet is issued for a reservation, it is added to

the list of pending purchases, which are not yet authorized for delivery. An electronic

wallet is used to provide the payment data by generating a Web page with a "Wallet"

button and a "Retrieve It" button. When the user clicks on the wallet button, an invoice

indicating the amount of the purchase is returned, and displaying to the user a set of

selections of different payment forms available to the user, such as electronic cash,

check or specific credit card for selection. The consumer clicks a `Pay` button to

consummate the transaction (Col. 17, line 53-Col. 18, line 5). The authorization token is

updated to reflect that the voucher packet has been authorized of purchase and

download. This technique illustrates *accounting setting means for setting an amount of a*

fee to be imposed on said terminal apparatus in response to said purchase information. Wiser

does not explicitly teach *accounting setting means does not set said amount of said fee to be*

imposed on said terminal apparatus when said content ID is placed in said purchase

information and said content information corresponding to said content ID stored in said

second storage means is accessed by said access control means. However, as disclosed by

Wiser, a media voucher is an object that is used to control the purchase and preview of

media data files. For each purchase or preview of a media data file, a new media

voucher is created by the content manager and provided to the media player of the user

(Col. 8, Lines 19-23). A media voucher includes a unique voucher ID, and a media ID

that uniquely identifies the media data file. The voucher ID limits the use of the media

voucher to a single purchase or preview transaction (Col. 8, Lines 28-32). A delivery

server is responsible for receiving requests from a media player to preview or purchase

a media data file containing audio data, and to deliver the requested media data file or

portion thereof as a preview by real time streaming of the content of the audio data for

immediate playback at the media player (Col. 9, Lines 54-67). A purchase request for a

specific song is sent to the HTTP server, for example by the user clicking on *Buy It*

button (Col. 16, Lines 34-37) and payment is collected (Col. 16, Lines 4-60). As seen,

the media ID as *content ID* is placed together with a voucher ID as *purchase information*

in a voucher. During a preview, portion of media data file as *content information*

corresponding to said content ID stored in said second storage means is accessed for

delivering to media player, and obviously, because this is not a purchase, a charge to

be imposed on the media player will not be set. In other words, the Wiser technique as

discussed indicates *accounting setting means does not set said amount of said fee to be*

imposed on said terminal apparatus when said content ID is placed in said purchase

information and said content information corresponding to said content ID stored in said

second storage means is accessed by said access control means. Therefore, it would have

been obvious for one of ordinary skill in the art at the time the invention was made to

modify the Wiser system by including the technique of not setting an amount of a fee in

order to download information for recording through a data network.

Regarding to claim 37, Wiser teaches all the claimed subject matters as

discussed in claim 36, and further discloses: *access control means permits access to said*

content information corresponding to said content ID stored in said second storage means

when said content ID is included in said purchase information (FIG. 8).

Regarding to claim 39, Wiser teaches all the claimed subject matters as

discussed in claim 36, Wiser further discloses: *storage control means stores access history*

information into said second storage means in response to access to said content information

by said access control means, and said accounting setting means sets said amount of said tee

to be imposed on said terminal apparatus based on said access history information (Col. 16,

line 26-Col. 18, lines 5).

Regarding to claim 40, Wiser teaches all the claimed subject matters as

discussed in claim 36, Wiser further discloses: *distribution apparatus includes said storage*

control means (FIG. 1B).

14.   Claims 50 and 51 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Crawford [USP 5,771,354] in view of Schneider [USP 6,594,675]

and Wiser et al. [USP 6,385,596 B1].

Regarding to claim 50, Crawford and Schneider teaches all the claim subject

matters as discussed in claim 50, but does not explicitly disclose *information is digital*

audio data. Wiser teaches a secure online music distribution system that provides

consumers with flexibility and ease of use in the selection, previewing, downloading,

and transporting of audio and other digital media over the Internet (Wiser, abstract).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the

invention was made to include digital audio data in the technique of Crawford and

Schneider in order to transfer audio file.

Regarding to claim 51, Crawford, Schneider and Wiser teaches all the claimed

subject matters as discussed in claim 50, Wiser further discloses *digital audio data is*

compressed data (Wiser, Col. 7, lines 4-16).

15.   **Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable**

over Wiser et al. [USP 6,385,596 B1] in view of Inoue [USP 6,567,847 B1].

Regarding to claim 52, Crawford, Schneider and Wiser teaches all the claimed

subject matters as discussed in claim 51, but fails to disclose *digital audio data is*

compressed in an ATRAC format. Inoue teaches a transmitting and receiving system

wherein a data file could be uploaded into a server or download and vice versa and the

data is compressed in an ATRAC format (Inoue, Col. 7, line 54-Col. 8, line 6).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the

invention was made to modify the Crawford, Schneider and Wiser system by using

ATRAC format when upload and download music in order to remotely access and

download information for recording through a data network.

Allowable Subject Matter

16.   Claims 30, 32 and 33 are allowed.

Regarding to claim 30, 32 and 33, the closet available prior arts, USP 6,385,596

B1 issued to Wiser et al. in combined with USP 5,117,350 issued to Parrish et al. also

teaches a terminal apparatus for receiving content information apparatus, however, as

in claim 30, Wiser and Parrish fail to teach or suggest the claimed *control means for*

storing addresses corresponding to said content IDs received from said distribution apparatus

into said storage means, said control means stores a logical address corresponding to a

predetermined physical address of a storage medium provided in said distribution apparatus at

which said content information received in response to said user request by said

communication means is stored into said storage means. Therefore, the invention is

allowable over the prior arts of record for being directed to a combination of claimed

elements including the providing steps as indicated above.

17.   Claims 4, 19 and 48 are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form

including all of the limitations of the base claim and any intervening claims.

Regarding to claims 4, 19 and 48, Crawford and Schneider teaches all the

claimed subject matters as discussed in claims 3, 15 and 43, but fails to disclose or

suggest the claimed *control means searches for a logical address of said management*

information corresponding to said one or more of said plurality of pieces of content

information selected by said selection means, converts said logical address into a physical

address of said second storage means and accesses said second storage means based on said

physical address as in claim 4, 19, and *controller searches for a logical address of said*

management information corresponding to said one or more of said plurality of pieces of

content information selected by said selection section, converts said logical address into a

physical address of said first storage medium or said second storage medium and accesses said

first storage medium or said second storage medium based on said physical address as in

claim 48.

Conclusion

18.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Hung Pham
October 27, 2004

SHAHID ALAM
PRIMARY EXAMINER